

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

(PRECEDENT CASE OF PUBLIC CONCERN)

WAYNE DOYLE

Case No. C-3-07-0003

Plaintiff,

District Judge Thomas M. Rose

Chief Magistrate Judge Michael Merz

Vs

THE CLARK COUNTY PUBLIC
JOHN MC CONAGHA and
LIBRARY, et al.,

Motion's

- MOTION FOR: (OBJECTION) TO ANY AND ALL OF THE RECOMMENDATIONS AND ORDERS HANDED DOWN BY THIS COURT INCLUDING 6/21/2007.
- MOTION: FOR THE COURT DOCKET TO BE CORRECTED TO REFLECT (ALL) OF THE FILING'S AND ORDERS FILED WITH THIS COURT
- MOTION FOR: FINDING OF FACT AND CONCLUSION OF LAW CONCERNING (ALL) OF MAGISTRATE MERZ REPORTS AND RECOMMENDATIONS
- MOTION FOR: A DIFINITE STATEMENT (CLARITY) CONCERNING THE 6/21/2007,COURT ENTRY'S
- MOTION FOR: THIS CASE TO BE TRANSFERED TO COLUMBUS,OHIO
- MOTION FOR: MAGISTRATE JUDGE MERZ TO BE DISQUALIFIED AND REMOVED AS JUDGE

CASE OF FIRST IMPRESSION

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FACTS

IN SUPPORT OF THE FOREGOING AND AFTER

On 4/27/2007, Judge Merz said: "This case is before the Court on Plaintiff's Motion for reconsideration (Doc. No. 52). Plaintiff's time to respond to the pending Amended Motion to Dismiss ((Doc.No.46) is extended to and including June 22, 2007, whether or not he gets an attorney. Plaintiff may tender exhibits with any pleading he files, but the Court Reserves the right to determine the exhibits are being unnecessarily filed because of duplicative or prior filings in the case."(See Exhibit (1) filed 4-27-07). On June 22, 2007, Plaintiff Wayne Doyle filed a MEMORANDUM CONTRA DEFENDANT'S MARCH 30,2007 MOTION TO DISMISS with this Court as instructed to do so. (See Exhibit (2) filed 6/22/2007) On 6/21/2007, Magistrate Mertz said: "Plaintiff's time to respond to the Motion to Dismiss is extended to and including May 1, 2007. "(Enrty Responding...., Doc. No. 51, at 2.) It is now in fact more than sixty days after Plaintiff moved for the extension of time and he has neither obtained Counsel to enter an appearance nor responded pro se to the Motion to Dismiss." Once again Judge Merz recommendation's are so vague or ambiguous that Defendant Wayne Doyle cannot reasonably frame a responsive pleading to defendant's motion to dismiss.

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<HIS> HISTORY <STORY>

On January 8, 2007, Magistrate Merz said: "This case is hereby set for preliminary injunction hearing in Courtroom No. 4 on January 22, 2007, at 9:30 a.m. If that time and date is impossible for either party, that party shall consult with the opposing party about a possible time and contact the Court's judicial assistant, DeAnna Perrt, to re-set the matter" (See Exhibit (3))

-On January 22, 2007, Magistrate Merz said: "Notice of the hearing had been given to the parties in writing as part of the Report and Recommendations (Doc. No. 5). Defendant John Mc Conagha was present in person and he and the Clark County Public Library were represented by attorney Lauren Ross. Their trial attorney in this case, Plaintiff, however did not appear despite having been advised by the Court's stat on Friday, Janunary 19, 2007, that the hearing was still scheduled and that he was required to appear" (See Exhibit (4)).

-On January 24, 2007, Plaintiff Wayne Doyle filed a " (1) MOTION TO RESCHEDULE PRELIMINARY INJUNCTION HEARING AND "OBJECTION TO: JUDGE MERZ January 22, 2007, report and recommendations or preliminary injunction".(See Exhibit (5))

On January 22, 2007, Court reporter Cathy Schutte-Stant recorded the following DOCKET ENTRY/ORDERS: Plaintiff not present; Defense counsel Lauren Ross states for the record the plaintiff told her in a telephone call on Friday ,1/19/07, he would not be here as he had no transportation. The Motion for Preliminary Injunction is taken under advisement and the parties will be advised in writing of the Court's decision. (See Exhibit (6)).

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-On January 25, 2007, Magistrate Merz said: "Upon reconsideration, the Report and recommendations are **WITHDRAWN**". Any request for preliminary injunctive relief will be re-set after the preliminary pretrial conference. FACT—Judge Mertz would not tell Plaintiff Doyle Why? he WITHDREW the 1/25/2007, report and recommendation's NO CONFERENCE WAS PERMITTED.. (SEE Exhibit (7).

-On January 12, 2007, Plaintiff Wayne Doyle asked this court for a "EMERGENCY RESTRAINING ORDER" which has not been addressed as of July 2, 2007. (See Exhibit (8) (See Wayne Doyle's (9) Notarized statements stating he does not know Angie Jones or does he have access to competitive sources of information (See Exhibit (10)

-On January 5, 2007, during a telephone conference with the court Judge Merz said: "Bur of course That's the whole question that this case seems to raise, is whether Mr. Mc Conagha, or whether any public library, has to follow rules of evidence such as are applicable in criminal court.". Mr Doyle: Could that be just hearsay evidence? The Court: It is hearsay. (See Exhibit (11)

CASE OF FIRST IMPRESSION

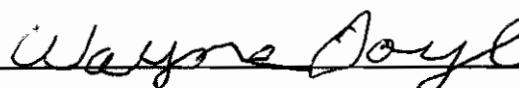
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RELIEF SOUGHT

- (1) I Wayne Doyle want my day in court to face my accuser's.
- (2) I, Wayne Doyle want my name to be cleared of Harassing,starring or following anyone around the library.
- (3) I, Wayne Doyle want this Court do justly, love mercy and walk humbly with your creator
- (4) I , Wayne Doyle want the Court docket to reflect (all) of the Court filings and orders filed with this Court.
- (5) I, Wayne Doyle want the Court to provide finding of facts and conclusion of law concerning this court's 6/21/2007, Court entry,
- (6) I , Wayne Doyle want a difinite statement (Clarity) concerning the 6/21/2007 Court entry.
- (7) I ,Wayne Doyle want this case to be transferred to Columbus for the Dayton Federal Court has not had a racial discrimination case go to trial.
- (8) I Wayne Doyle want the Court System to look at this case as a first impression of public concern. A citizen being punished for a violation,crime being committed without a victim.
- (9) I Wayne Doyle wany Magistrate Merz disqualified and removed as Judge for he erred and withdrew his 1/25/2007 recommendation's without explanation now he's going to have to withdraw the 6/21/2007 report and recommendation. I wonder what his reasoning will be.?

SERVICE

MAILED TO LOIS A. GRUGIN
21 EAST STATE STREET,
COLUMBUS,OHIO 43215
THIS 2ND DAY OF JULY,2007,



WAYNE DOYLE